



10-03-05

IFW # /

Express Mail No. ER 548 128 225 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	FRANANO	Confirmation No.:	3974
Serial No.:	10/603,501	Art Unit:	1651
Filed:	June 24, 2003	Examiner:	Afremova, Vera
For:	METHODS FOR ENLARGING THE DIAMETER OF AN ARTERY OR VEIN IN A HUMAN SUBJECT (as amended)	Attorney Docket No.:	31110-0003

REPLY TO RESTRICTION REQUIREMENT

The Director
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is in response to the March 31, 2005 Restriction Requirement in the above-identified patent application. Submitted herewith are: (1) a request for a five-month extension of time including authorization for payment of the appropriate fee; and (2) a Preliminary Amendment.

THE RESTRICTION REQUIREMENT

The Examiner has required restriction of the claims in this application under 35 U.S.C. § 121 to the following groups:

Group I (claims 1-11 and 13-18) drawn to a method for *in vitro* treating a biological conduit with an agent that can degrade extracellular matrix;

Group II (claims 19-24) drawn to a kit comprising an agent that can degrade extracellular matrix and a delivery device;

Group III (claims 12, 25-33 and 35) drawn to a method for *in vivo* treating a mammal suffering from or susceptible to a disorder associated with obstruction of a biological conduit; and

Group IV (claims 34 and 36-39) drawn to a method for *in vivo* treating a mammal suffering from or susceptible to biliary stricture, stenosis of hemodialysis graft, intimal hyperplasia or coronary obstruction.

ELECTION WITH TRAVERSE

Applicant respectfully traverses the Restriction Requirement with respect to Groups III and IV.

The Examiner contends that Groups III and IV “are distinct because they are directed to different methods as claimed wherein the patients of group IV suffering from or susceptible to biliary structure, stenosis of hemodialysis graft, intimal hyperplasia or coronary obstruction are not required in the method of group III.” The Examiner continues that the different classification of the Groups is evidence for their separate status in the art. However, claim 34 (currently assigned to Group IV) is *dependent* from claim 25 and, therefore, merely recites diseases or disorders that are encompassed in claim 25 as originally filed. In that respect, claim 34 is not distinct from the subject matter of Group III. Further, claim 34 shares the same classification as Group III (both are classified in class 424, subclass 94.1), therefore the inclusion of claim 34 would not impose any additional search burden on the Examiner. Accordingly, applicant respectfully requests that the subject matter of claim 34 be assigned to Group III.

Subject to the above traverse, applicant elects the claims of Group III for examination. Applicant has canceled non-elected claims in the Preliminary Amendment filed herewith.

OBJECTIONS

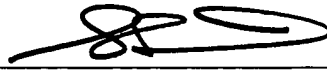
The Examiner has objected to claims 6-12, 17, 18, 23, 24 and 29-35 under 37 C.F.R. 1.75(c) as being in improper form. The claims in question have been canceled in response to the Restriction Requirement, thereby rendering this objection moot.

CONCLUSION

Applicant respectfully requests examination of the pending claims.

Respectfully submitted,

Date: September 30, 2005



Stephen S. Rabinowitz (Reg. No.) 40,286
FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP
One New York Plaza
New York, New York 10004
(212) 859-8973

517895.1